

HOUSTON★CHRONICLE

HOUSTON POLITICS & POLICY

DA looking into family court judge again



Eric Kayne

Judge Denise Pratt speaks to the media after a grand jury gave her a no-bill in a case where she was accused of tampering with court documents, Dec. 20, 2013 in Houston. (Eric Kayne/For the Chronicle)

By Kiah Collier

February 20, 2014 | Updated: February 20, 2014 11:52pm

Two months after a grand jury cleared embattled state District Judge Denise Pratt of accusations she had tampered with court records, the Harris County District Attorney's office again is looking into the family court jurist.

Houston lawyer Anna Stool, a former federal prosecutor, said she was called in by the district attorney's office two weeks ago to answer questions about a child custody case she has in Pratt's 311th Court in which the judge made the unusual move of finalizing temporary orders by scratching out the word "temporary" with a pen and writing "final" above it. As a result, the case - first opened in 2007 - officially was closed.

There was "never a hearing," Stool said. "I just found the thing by accident because I started checking (Harris County District Clerk) Chris Daniel's website."

County and courthouse sources say several lawyers have been called to the district attorney's office to answer questions about cases in Pratt's court, and that the questioning is part of another investigation into the freshman judge, who is seeking re-election.



Investigated last fall

A district attorney's office spokesman said the office "can't confirm or deny" another investigation is taking place.

The office investigated Pratt last fall after Webster family lawyer Greg Enos filed the first of three complaints against the judge, accusing her of backdating orders and other questionable conduct. A grand jury investigated Pratt and cleared her on Dec. 20.

On Dec. 30 and 31, Pratt quietly dismissed more than 600 cases, sparking an uproar from lawyers who said they and their clients had received no notice of the dismissals until afterward.

In many cases, the abrupt dismissals nullified court orders Pratt had made regarding custody arrangements and child support. Several of those cases since have been reinstated.

Houston lawyer Robert Clark said the district attorney's office has scheduled a meeting with his new client, Karen Hyde, whose child custody case was dismissed without prior notice on Dec. 31.

Hyde's case, detailed in the third and last criminal complaint Enos filed with the district attorney's office last week, was reinstated at the request of the opposing side and went to trial earlier this month without her knowledge. At the hearing, Pratt issued an order taking away Hyde's custody of her daughter and giving it to the father.

"I've lost all faith in the whole system," Hyde said last week. "I didn't get an opportunity to at least defend myself."

Enos' complaint includes sworn affidavits from Hyde and her husband saying Pratt informed them during a hearing last April that she would "back date the order to March 5 when you were here

before."

Clark on Thursday requested that Pratt be recused from the case.

Pratt's lawyer, Terry Yates, described the incident in Stool's case as a "simple mistake," writing in an email that Pratt "inadvertently wrote final in the heading when it was, in fact, meant to be interim."

"The actual language in the order, which is controlling, indicates that the orders were always temporary," Yates wrote. "When the error was brought to Judge Pratt's attention, she immediately rectified the error by granting the motion for new trial and correcting the mistake."

He also questioned whether Stool, who is representing the mother in the case, really was "contacted out of the blue" by the district attorney's office. Stool, however, said "They called me. Someone else told them about my case."

Edward Chernoff, the lawyer representing the father in the case, declined comment.

Stool also is asking for Pratt to be recused from her case. She filed a motion last Friday, after weeks of waiting on Pratt to respond to another request she submitted in late January for a new trial, days before being questioned by the district attorney's office. Stool said she decided to file the recusal motion because problems in Pratt's court have been "ongoing" and, so far, she has gotten "nothing" for her client.

"I cannot explain to her what the problem is, except to tell her that I don't know why this is happening," she said. "But I don't think, based on what's happened, that I can get a fair trial in this court."

Removed from cases

Several lawyers have tried to get Pratt removed from their cases since last fall, after Enos filed his first complaint. So far, nine of the requests have been granted and 13 denied out of 28 total filed. Six, including Stool's and Clark's, still are pending.

Pratt, who voluntarily recused herself from one of Enos' cases shortly after he filed his first complaint in October, voluntarily recused herself from two more cases this week, according to the administrative judge for the family courts.

RELATED

Lawyer lodges new complaint against judge

Family judge's mass dismissal of cases has lawyers crying foul

Grand jury no-bills family court judge

Judge removed from eight more cases

Embattled judge recused from case



HEARST *newspapers*

© 2013 The Hearst Corporation